

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

GENEVA LYONS,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO.
) 2:20cv245-MHT
) (WO)
HOWMEDICA OSTEONICS CORP.,)
d/b/a STRYKER ORTHOPEDICS;)
OSARTIS GmbH, f/k/a aap)
BIOMATERIALS GmbH)
)
Defendants.)

OPINION AND ORDER

Plaintiff Geneva Lyons brought this lawsuit against defendant Osartis GmbH. Lyons alleges that she received a knee replacement surgery in which her surgeon used a bone cement manufactured by Osartis, and that the bone cement proved defective, injuring her and requiring her to receive a revision surgery. She rests her lawsuit on state-law claims of negligence, wantonness, breach of implied and express warranty, and liability under the Alabama Extended Manufacturer's

Liability Doctrine. Subject-matter jurisdiction is proper under 28 U.S.C. § 1332 (diversity).

This cause is now before the court on Osartis's motion to dismiss for lack of personal jurisdiction. Upon review of the briefs, the court concludes that Lyons's request for jurisdictional discovery is warranted. Such discovery shall be done *in tandem* with general discovery as to the merits, and the court will resolve the issue of personal jurisdiction either in a separate evidentiary hearing after adequate discovery, at the summary-judgment stage, or at trial. See 4 C. Wright & A. Miller, Federal Practice and Procedure § 1067.6 (4th ed. April 2021 Update) ("If the existence of *in personam* jurisdiction turns on disputed factual questions, the court ultimately may resolve the challenge on the basis of a separate evidentiary hearing, or may defer ruling pending receipt at trial of evidence relevant to the jurisdictional question.").

Accordingly, it is ORDERED that defendant Osartis GmbH's motion to dismiss (Doc. 20) is denied.

DONE, this the 21st day of September, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE